

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

SID BOYS CORP D/B/A
KELLOGG'S DINER,

Case No.: 21-42207-ess

Debtor.

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**ORDER ESTABLISHING DEADLINE FOR FILING ADMINISTRATIVE PROOFS OF
CLAIM AND APPROVING THE FORM AND MANNER FOR FILING
ADMINISTRATIVE PROOFS OF CLAIM AND APPROVING NOTICE**

Upon the application (“Application”) (Dkt. No. 192) of the Richard J. McCord, the Chapter 7 Trustee (“Trustee”) of the Estate of Sid Boys Corp d/b/a Kellogg’s Diner (the “Debtor”), by and thorough his counsel, Certilman Balin Adler & Hyman, LLP, for the entry of an order, pursuant to Federal Rules of Bankruptcy Procedure 3003(c)(3), (the “Bankruptcy Rules”) establishing a first administrative bar date of August 1, 2023 by which requests for payment of certain administrative expenses that accrued between August 28, 2021 (the “Petition Date”) and January 30, 2023, must be filed (“First Administrative Bar Date”), approving the form and manner for filing such claims, and approving notice thereof; and it appearing that the relief requested is in the best interest of the Debtor, its estate and creditors, and that adequate notice has been given and that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefor, it is hereby

ORDERED, that proofs of claim filed by entities asserting a claim for payment of administrative expenses (including, but not limited to, claims for goods delivered to Debtor within twenty (20) days before the Petition Date under sections 503(b)(9) or 507(a)(2) of the Bankruptcy

Code, professional fees rendered and expenses incurred and entitled to payment under sections 327, 328, 330 or 503 of the Bankruptcy Code and/or any other applicable provision of the Bankruptcy Code) that accrued between August 28, 2021 up to and including January 30, 2023 (“Administrative Proofs of Claim”) must be filed on or before August 1, 2023 at 5:00 p.m. (Eastern Time) (the “First Administrative Bar Date”); and it is further

ORDERED, that the following procedures for the filing of Administrative Proofs of Claim shall apply:

- (a) Administrative Proofs of Claim must confirm substantially to form B410 of the Official Bankruptcy Forms;
- (b) Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file Administrative Proofs of Claim electronically on the Court’s Case Management/Electronica Case File (“CM/ECF”) system. Those without access to the CM/ECF system must file their Administrative Proofs of Claim by mailing or delivering the original proof of claim by hand to the United States Bankruptcy Court, Eastern District of New York, Conrad B. Duberstein U.S. Courthouse, 271-C Cadman Plaza East, Suite 1595, Brooklyn, New York 11201;
- (c) Administrative Proofs of Claim will be deemed timely filed only when received by the Clerk of the Bankruptcy Court on or before the First Administrative Bar Date; and
- (d) Administrative Proofs of Claim must be (i) signed; (ii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iii) be in the English language; (iv) be denominated in United States Currency; and it is further

ORDERED, that the following persons or entities need not file an Administrative Proof

of Claim on or prior to the Administrative Bar Date:

- (a) Any person or entity that holds a claim for administrative expenses that has been allowed by an Order of this Court in this case entered on or before the First Administrative Bar Date;
- (b) Any holder of a claim for administrative expenses for which a septate deadline is fixed by this Court;
- (c) Any person or entity whose claim for administrative expenses has been paid or otherwise satisfied in full by the Debtor;
- (d) Any holder of a claim for administrative expenses who has already properly filed an Administrative Proof of Claim with the Clerk of the Court against the Debtor;
- (e) Any person or entity that holds a claim for administrative expenses that were incurred after January 30, 2023; and it is further

ORDERED, that pursuant to Bankruptcy Rule 3003(c) (2), all holders of claims that fail to comply with this Order by timely filing an Administrative Proof of Claim in an appropriate form shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution; and it is further

ORDERED, that the copy of the notice annexed to the Order as “**Exhibit A**” (“Administrative Bar Date Notice”) is approved and shall be deemed adequate and sufficient if served by first class mail, to the extent their addresses are publically available on the bankruptcy docket, at least thirty five (35) days prior to the First Administrative Bar Date on:

- (a) The United States Trustee;
- (b) The Debtor and its counsel;
- (c) All persons or entities that have requested notice of the proceedings in the Chapter 11 case;
- (d) All persons or entities that have filed claims;

- (e) All parties to litigation with the Debtor;
- (f) The Internal Revenue Service for the district in which the case is pending; and
- (g) All individuals and/or entities listed as creditors in the Debtor's schedules and statement of financial affairs; and it is further

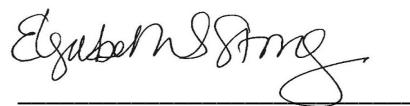
ORDERED, that any person or entity who desires to rely on the Debtor's schedules will have the responsibility for determining that the claim is accurately listed in the Schedules; and it is further

ORDERED, that the Trustee is authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order; and it is further

ORDERED, that entry of this Order is without prejudice to the rights of the Trustee to seek a further order of this Court fixing a date by which holders of claims or interest not subject to the First Administrative Bar Date established herein must file such proofs of claim or interest or be barred from doing so.

Dated: Brooklyn, New York
June 27, 2023




Elizabeth S. Stong
United States Bankruptcy Judge